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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0635MH-40916

RECEIVED

MAY 05 2005

OFFICE OF PETITIONS

In re Application of: **Frederick Herz**

Serial No. **09/024,278**

Filing Date: **17 February 1998**

For: **BROADCAST DATA DISTRIBUTION SYSTEM WITH ASYMMETRIC UPLINK/DOWNLINK BANDWIDTHS**

PETITION UNDER 37 C.F.R. 1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions the Assistant Commissioner to revive the subject application under 37 C.F.R. 1.137(b) on the basis that the delay in responding to the Office Action mailed 19 November 2002 and in filing this petition to revive was unintentional.

A Request for Continuing Examination, and a Preliminary Amendment, are enclosed with this petition.

"EXPRESS MAIL" NO.EV 233982718 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date of Deposit: 29 April 2005

By: Elisabeth Rodriguez

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750.00 OP

Enclosed is a check in the amount of \$750.00 for the Petition to Revive.
Please charge any additional fees to our Deposit Account No. 50-1060.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Hill', with a long horizontal flourish extending to the right.

Kenneth C. Hill
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Fort Worth, Texas 76102
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ATTORNEY FOR APPLICANT(S)